

**ORDINANCE NO. 1998-4 Commissioners**

**AN ORDINANCE PROVIDING FOR THE INSPECTION,  
REPAIR, OR REMOVAL OF UNSAFE BUILDINGS  
WITHIN DECATUR COUNTY, INDIANA**

**WHEREAS**, the legislature of the State of Indiana has found that unoccupied structures that are not maintained constitute a hazard to public health, safety, and welfare;

**WHEREAS**, the problems found by the state general assembly to be caused by deteriorated structures in urban areas also apply to small towns and rural areas;

**NOW THEREFORE, BE IT ORDAINED** by the Board of Commissioners of Decatur County, Indiana, that:

1. Indiana Code 36-7-9-1 through 36-7-9-28 is hereby adopted by reference as the Decatur County Unsafe Building Law. All proceedings within the County of Decatur for the inspection, repair, and removal of unsafe buildings shall be governed by said law and the provisions of this ordinance. In the event the provisions of this ordinance conflict with the provisions of Indiana Code 36-7-9-1 through 36-7-9-28, then the provisions of the state statute shall control.
2. This ordinance shall apply only to those areas in Decatur County which are located outside the boundaries of any incorporated city or town.
3. All buildings or portions thereof within Decatur County which are determined after inspection by the building commissioner to be unsafe as defined in this ordinance are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal.
4. The Decatur County Building Commissioner shall be authorized to administer this ordinance.
5. A building or structure, or any part of a building or structure, that is:
  - (a) in an impaired structural condition that makes it unsafe to a person or property;
  - (b) a fire hazard;

- (c) a hazard to the public health;
- (d) a public nuisance;
- (e) dangerous to a person or property because of a violation of a statute or ordinance concerning building condition or maintenance; or
- (f) vacant and not maintained in a manner that would allow human habitation, occupancy, or use under the requirements of a statute or an ordinance;

is considered an unsafe building. An unsafe building and the tract of real property on which the unsafe building is located are considered unsafe premises.

- 6. "Substantial property interest" means any right in real property that may be affected in a substantial way by actions authorized by this ordinance, including a fee interest, a life estate interest, a future interest, a present possessory interest, or an equitable interest of a contract purchaser. The interest reflected by a deed, lease, license, mortgage, land sale contract, or lien is not a substantial property interest unless the deed, lease, license, mortgage, land sale contract, lien, or evidence of it is:
  - (a) recorded in the office of the county recorder; or
  - (b) the subject of a written information that is received by the building commissioner and includes the name and address of the holder of the interest described.
- 7. An Unsafe Building Fund is hereby established in the operating budget of the Decatur County Building Commission in accordance with the provisions of I.C. 36-7-9-14.
- 8. A person who:
  - (a) remains in, uses, or enters a building in violation of an order made under this ordinance;
  - (b) knowingly interferes with or delays the carrying out of an order made under this ordinance;
  - (c) knowingly obstructs, damages, or interferes with persons engaged or property used in performing any work or duty under this ordinance; or
  - (d) fails to provide notices as required by I.C. 36-7-9-27

commits a Class C infraction. Each day that the violation continues constitutes a separate offense.

9. Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reasons, the remainder of said ordinance shall not be affected thereby.

Adopted this 1st day of June, 1998.

**BOARD OF COMMISSIONERS**

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Attest:

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